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09/465,198	12/15/1999	NICK J. MAZZARELLA	1	8604

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HARNES, DICKEY & PIERCE, P.L.C.  
P.O. BOX 8910  
RESTON, VA 20195

EXAMINER

LEI, TSULEUN R

ART UNIT PAPER NUMBER

2686

DATE MAILED: 09/09/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/465,198

Applicant(s)

MAZZARELLA, NICK J.

Examiner

TSULEUN R. LEI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson et al. (U.S. Patent No. 6,266,402) in view of Vaman et al. (U.S. Patent 6,011,780).

Regarding Claim 1, Ferguson teaches a method for controlling messages in a communication system (Col.1, Lines 6-8), wherein the second network component (Fig.1, transfer point 18) detects a focused overload at the first network component (Fig.1, Destination switching point 19), and to block the third network component from further transmission to the first network

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component (Co.3, Lines 49-54, temporarily unavailable for communication). Ferguson does not teach that a first network component has the function of sending out a message blocking request. Vaman, however, teaches a method for controlling messages in a communication system comprising the steps of receiving a message blocking request from a first network component (Vaman, Fig.8, where the destination node sends out a link failure indication to block the traffic from the failed link), the message blocking request identifying a third network component (Vaman, Fig.8, identifying the source node); and preventing messages from being communicated from the third network component to the first network component (Vaman, Fig.8). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teaching of Ferguson and Vaman so the destination switching point would also detect focused overload and inform the transfer point of the overload condition. Ferguson as modified by Vaman teaches that the controlling message in a communication system is at the second network component (Ferguson, Fig.1, transfer point 18) and if the second network component accepts the message blocking request based on an evaluation of the communication system (Ferguson, Col.3, Lines 4-10 and Col.3,

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Lines 55-56, wherein the second network component is always in control of the flow of communications).

Regarding Claim 2, Ferguson as modified by Vaman teaches the method of claim 1, wherein the step of preventing is performed at the second network component (Ferguson, Col.2, Lines 3-7).

Regarding Claim 3, Ferguson as modified by Vaman teaches the method of claim 1, further comprising the step of sending a message blocking command to the third network component (Ferguson, Col.3, Line 7, inform originating switching points).

Regarding Claim 4, Ferguson as modified by Vaman teaches the method of claim 3, wherein the step of preventing is performed at the third network component (Ferguson, Col.3, Lines 30-42).

Regarding Claim 5, Ferguson as modified by Vaman teaches the method of claim 1, wherein the message blocking request specifies a duration of a blocking period (Ferguson, Col.4, Lines 11-18).

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Regarding Claim 6, Ferguson as modified by Vaman teaches the method of claim 1, wherein the message blocking request specifies at least one acceptance interval during a blocking period, the acceptance interval being a period during which at least one message may be communicated from the third network component to the first network component (Ferguson, Col.3, Lines 43-46; and Col.4, Lines 5-18, wherein during message blocking period, query message from the third network component is still allowed, but at a regulated time interval.).

Regarding Claim 7, Ferguson as modified by Vaman teaches the method of claim 1, wherein the message blocking request specifies an action to be taken by the third network element instead of communicating a message from the third network component to the first network component (Ferguson, Col.3, Lines 43-46, wherein the message blocking request specifies utilizing ACG to regulate the time interval of message transmission.).

Regarding Claim 8, Ferguson as modified by Vaman teaches the method of claim 7, wherein the second network component may modify the action specified in the message blocking request (Ferguson, Col.4, Lines 5-18, incorporating a call control message into query responses; also, Col.3, Lines 20-23).

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Regarding Claim 17, Ferguson as modified by Vaman teaches the method of claim 7, wherein the action includes communicating the message from the third network component to a specified alternate destination (Ferguson, Col.3, Lines 55-56, wherein directing the flow of communications within a communications network inherently implies directing the message to an alternate destination).

3. Claims 9-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson et al. in view of Vaman and further in view of Hartmaier et al. (U.S. Patent No. 5,978,672).

Regarding Claim 9, Ferguson as modified by Vaman teaches a method for controlling messages in a communication system, comprising the steps of: receiving a message blocking request from a first switching center at a system control function component (SCF), the message blocking request identifying a second switching center; and preventing messages from being communicated from the second switching center to the first switching center (see Ferguson's and Vaman's teaching in Claim 1). Ferguson does not teach that the switching centers can be

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wireless mobile switching centers (MSC). Hartmaier, however teaches an integrated wireless and wireline network with a common central control (Hartmaier, Fig.1 and Fig.2). Therefore, it would have obvious for one of ordinary skill in the art at the time the invention was made to combine the teaching of Hartmaier with that of Ferguson so the benefit of traffic congestion control can be extended also to the wireless network.

Regarding Claim 10, see Claim 2 and Claim 9 for the teaching of Ferguson, Vaman and Hartmaier.

Regarding Claim 11, see Claim 3 and Claim 9 for the teaching of Ferguson, Vaman and Hartmaier.

Regarding Claim 12, see Claim 4 and Claim 9 for the teaching of Ferguson, Vaman and Hartmaier.

Regarding Claim 13, see Claim 5 and Claim 9 for the teaching of Ferguson, Vaman and Hartmaier.

Regarding Claim 14, see Claim 6 and Claim 9 for the teaching of Ferguson, Vaman and Hartmaier.



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Regarding Claim 15, see Claim 7 and Claim 9 for the teaching of Ferguson, Vaman and Hartmaier

Regarding Claim 16, see Claim 8 and Claim 9 for the teaching of Ferguson, Vaman and Hartmaier.

Regarding Claim 18, see Claim 17 and Claim 9 for the teaching of Ferguson, Vaman and Hartmaier.

#### ***Response to Arguments***

4. Applicant's arguments filed on 6/11/03 have been fully considered but they are not persuasive.

Ferguson teaches the control of focused overload at a network transfer point, where the overload condition is detected. Ferguson teaches a method for controlling messages in a communication system (Col.1, Lines 6-8), wherein the second network component (Fig.1, transfer point 18) detects a focused overload at the first network component (Fig.1, Destination switching point 19), and blocks the third network component from further transmission to the first network component (Co.3, Lines 49-54, temporarily unavailable for communication).

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Vaman teaches that the destination node informs the control center of the overload condition (Vaman, Fig.8, where the destination node sends out a link failure indication to block the traffic from the failed link). Ferguson as modified by Vaman teaches that the controlling message in a communication system is at the second network component (Ferguson, Fig.1, transfer point 18), which receives blocking request from the first network node. The combination of Ferguson and Vaman read on the claims of this patent application wherein the destination network component requests a second network component to block the message from being communicated from the source network component.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated

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from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TSULEUN R. LEI whose telephone number is 703-305-4828. The examiner can normally be reached on 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D Banks-Harold can be reached on 703-305-4379. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5403 for regular communications and 703-308-5403 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

TRL  
September 3, 2003

*Marsha D Banks-Harold*  
MARSHA D. BANKS-HAROLD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600